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Informal discussion after adjournment of the Retirement Board Meeting on 23 July 1970.

25X1A9a [redacted] I'm still troubled-- I'm working on this letter to the Director answering his questions, and maybe when this is finally written and then we get some sort of response, then I think it's time for another policy statement to get into the books on this.

It's interesting, though -- I did go back over some of our ancient history, although I didn't bring it with me today, but a lot has been written - like, you know, [redacted] brought up some 25X1A9a
25X1A9a point and gave it to [redacted], and then John gave us some quotes from the Committee interaction, and it was pretty clear that Congress recognized this was pretty loose language - that is, the language defining our qualifying service - ...

with staff assistance, and together, you came up with the [redacted] statutory ILLEGIB language --

25X1A9a [redacted] Statutory language, yes. And then I never fully understood this, but as a result of that they said - Okay, we can understand why you can't put in more specifics, therefore we want you to put this in your Regulation and then we will approve your Regulation -- and it was sort of that that got us into this - that we would expand a bit in the Regulation and then the Committee would approve the Regulation -- and that of course they have done.

25X1A9a

[redacted] By approving the Regulation, is the Regulation then law?

No, it is not. It's funny, but actually you have used language which said because of the way all this happened it might almost be

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included as part of the Act itself -- I think you said "might almost be" --

25X1A9a [redacted] Any gross liberalization I think just policy-wise, political-wise, we would have to clear with the Committee, no question about that.

25X1A9a [redacted] You were speaking I think of the qualifying service part, that the way that evolved it almost has to be considered part of the Act. But from the very beginning we have tortured with this problem, and I know - but I'm just repeating it again because it's fresh in my mind - how we very clearly said let's go for a broad interpretation for the overseas service but be very restrictive and very narrow domestically - because otherwise, you know, thousands could get into this Syste[redacted] based on the ILLEGIB wording of (11)(a), (b), (c), and so on. And Ben just got me the figures to put in the memo, and I think in the first four years there are 10 disapprovals and two appeals of 10 disapprovals in the whole first four years of this exercise --

25X1A9a [redacted] In the first four years there were no appeals. Those two appeals came in the 4th year, but then there were a lot of appeals because of the 1969 rule.

25X1A9a [redacted] Talking about amending that Regulation, would that have to go back up to the Congress?

25X1A9a [redacted] I think it's a matter of judgment, Charlie. For concepts involved in liberalizing, yes -- but for tightening it, I don't think we need to go back.

25X1A9a [redacted] As I read it again, they recognized it was terribly broad, and was giving legislative authority to the executive since the Director could identify who he thought was qualified -- They were concerned about the language. But we had some good spokesmen there on our behalf who waved the security cloak and said, "Well, gee, you know, national security, and if we got into all the different types-- " And this I know because I heard this in private sessions. So they did say - Well, at least try to be

a little more specific in the Regulation. Well, they were a little more specific in the Regulation. It's still terribly broad. So if we change that, I think it's a big problem in terms of deciding have we liberalized or strengthened it, and then do we have to go back to them --

25X1A9a [redacted] think leave it alone.

[redacted]: On turning down appeals, I looked at all of the old Minutes, and looking at the Minutes for April and May of 1965, the initial Minutes, the Board pretty much were agreeing at that time that

ILLEGIB [redacted] b. (11)(c) would only be used in involuntary retirement cases.

25X1A9a [redacted]: Yes, that comes through very clearly, too. Emmett Echols made quite a point of this, that (11)(c) in partcular we have here for if we want to get rid of somebody and then we look back in retrospect and say his career was such we can wave the wand and put him in the System and get him out of the Agency. Well, peculiarly enough, these all happened to be discontinued service. So in a sense it would be applicable b ut nobody contemplated anything of quite this magnitude. What they were really thinking of was if they had somebody who didn't perform and they were really trying to get rid of him --

25X1A9a [redacted]: In the policy statement which is recorded in the Employee Bulletin the big point is that we wouldn't look at (11)(c) until retirement was imminent, not necessarily involuntary.

25X1A9a [redacted] But there's another statement quoting Emmett --

[redacted]: I'm quoting the Bulletin - it does not say involuntary --

25X1A9a [redacted] Well, it was before this that Emmett had said --

[redacted]: Well, but that was Emmett. The Board didn't buy it.

[redacted]: Well, at that meeting they kind of did buy it.

[redacted] As a matter of fact, I also was surprised to

find modifying language to (11)(c) which we all bought but nothing was ever done about it -- actually to change (11)(c) to get to language such as "it is contemplated that this will be relatively rare" - or that type of thing -- and we all bought it, that yes, this is good language to get in --

25X1A9a but then that was the end of it. But [redacted] may be right and maybe Col. White is right that if we can just change the whole atmosphere around the Agency by the Director telling the Deputies how he feels about this, maybe we can accomplish the same thing, and Col. White seems to think the Director is ready to do just this.

. . . The meeting then adjourned at 3:15 p.m. . . .